

### III. REMARKS

Claims 33, 34 and 36-54 are pending in this application. By this amendment, claims 33, 36, 37, 48, and 51-53 have been amended, and claim 54 has been added. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 33-34, 39-40, 47-48 and 50 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Boczek (U.S. Patent No. 3,213,575), hereafter “Boczek.” Claims 38, 41, 50 and 53 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Boczek in view of Murrill (U.S. Patent No. 4,506,480), hereafter “Murrill.” Claims 42-45 and 49 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Boczek in view of Berry (U.S. Patent No. 3,606,719), hereafter “Berry.” Claim 46 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Boczek in view of Featherstone (U.S. Patent No. 6,546,677), hereafter “Featherstone.”

Claims 36-37 and 52 have been indicated as containing allowable subject matter. Applicants gratefully appreciate the indication of allowable subject matter. In response, Applicants have amended claims 36, 37 and 52 to place them in independent form. Further, Applicants have amended claim 53 to depend from claim 36. As a result, Applicants respectfully submit that these claims are now allowable, and request allowance thereof.

**A. REJECTION OF CLAIMS 33-34, 39-40, 47-48 AND 50 UNDER 35 U.S.C. §102(b)**

With regard to the 35 U.S.C. §102(b) rejection over Boczek, Applicants respectfully submit that Boczek fails to teach each and every feature of the claimed invention. For example, with respect to independent claims 33, 48, and 51, Boczek does not teach an outer covering designed to include at least one of required information, graphic advertising and required advertising text. To this extent, Boczek is directed to an entirely different field of technology as compared to the claimed invention. In particular, Boczek allows a head unit and cage to climb upward from a portion of the crane pillar. Col. 1, lines 30-33. In this manner, the crane of Boczek can be erected at a particular job site. Nowhere does Boczek teach that the cage is designed to include any one of required information, graphic advertising or required advertising text. In fact, the cage structure of the Boczek cage prohibits it from being able to include these features. The claimed invention, in contrast, includes, for example, an “outer covering...designed to include at least one of required information, graphic advertising and required advertising text.” Claim 33. Thus, in the claimed invention, the outer covering is not simply a cage structure as in Boczek, but is instead designed, *inter alia*, to include at least one of the required information, graphic advertising and required advertising text. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With further respect to independent claims 33, 48 and 51, Applicants respectfully submit that Boczek also fails to teach adjusting the outer covering with respect to the mast to reduce a force of wind on the mast. As stated above, Boczek allows a head unit and cage to climb a pillar in an upward direction from a particular place. Col. 1, lines 30-33. However, nowhere does Boczek teach that the climbing serves to reduce a force of wind on the pillar. The claimed invention, in contrast, includes, for example, “...adjusting the outer covering with respect to the

mast to reduce a force of wind on the mast.” Claim 33. As such, the outer covering of the claimed invention does not simply climb a pillar as does the cage in Boczek, but adjusts with respect to the mast to reduce a force of wind on the mast. For the above reasons, the climbing of the cage and head unit in Boczek is not equivalent to adjusting the outer covering with respect to the mast to reduce a force of wind on the mast as in the claimed invention. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With further respect to independent claims 33, 48 and 51, Applicants assert that Boczek fails to teach an outer covering designed to encase at least a portion of the mast. The invention in Boczek is a crane that allows a head unit portion and cage to climb upward from a portion of the crane pillar. Col. 1, lines 30-33. However, the head unit portion and cage of Boczek is in the form of a cage and does not encase the crane pillar. In contrast, the claimed invention includes, for example, an “outer covering [] designed to encase at least a portion of the mast.” Claim 33. As such, the outer covering of the claimed invention is not a cage as in Boczek, but is rather designed to encase at least a portion of the mast. Thus, the outer covering as included in the claimed invention is not equivalent to the cage in Boczek. For the above reasons, the head unit and cage of Boczek is not equivalent to the outer covering of the claimed invention. Accordingly, Applicants request that the rejection be withdrawn.

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

## **B. REJECTIONS OF CLAIMS 38, 41-46, 49, 50 and 53 UNDER 35 U.S.C. §103(a)**

With regard to the 35 U.S.C. §103(a) rejections over Boczek in view of Murrill, Boczek in view of Berry, and Boczek in view of Featherstone, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In particular, neither Murrill nor Berry, inter alia, teach the unique claimed features of an outer covering designed to include at least one of required information, graphic advertising and required advertising text, nor adjusting the outer covering with respect to the mast to reduce a force of wind on the mast. In addition, Applicants submit that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejections.

## **C. NEWLY PRESENTED CLAIM 54**

With respect to newly added claim 54, Applicants respectfully submit that this claim is allowable as presented. In particular, the cited art fails to teach an inner support that is adjustable in either direction of extension with respect to the mast. For example, as stated above, Boczek allows a head unit and cage to climb upward from a portion of the crane pillar. Col. 1, lines 30-33. However, nowhere does Boczek teach that its cage can descend from the portion of the crane pillar. Conversely, the Boczek cage has a head structure that would prohibit it from descending. In contrast, the claimed fastening device “adjusts the inner support in either direction of extension with respect to the mast..” Thus, in the claimed invention, the inner support is not only adjustable in an upward direction as in Boczek, but is also adjustable in either direction of extension with respect to the mast. For the above reasons, the upward climbing of the head unit

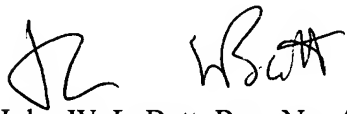
and cage of Boczek is not equivalent to the adjustability in either direction as claimed in the present invention. Accordingly, Applicants request allowance of the claim as presented.

#### D. CONCLUSION

As set out above, none of the cited references is related to an outer covering designed to include information, such as advertising. As a result, one skilled in the art would not have considered any of the references. Even if, *arguendo*, one had considered these references, the claimed invention is not taught by the references. In particular, none of the cited references teaches a covering body that includes, *inter alia*, the claimed outer covering or adjusting the outer covering to reduce a force of wind on the mast.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,



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